



Public Notice

Applicant:

Marrano-Marc Equity
Corporation

Date:

Published: December 19, 2003

Expires: January 17, 2004

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District **CELRB-TD-R RE: 2002-00014(1) Section: NY 404**

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Marrano Marc/Equity Corporation, 2730 Transit Road, West Seneca, New York 14224, proposes the placement of fill material into Federally jurisdictional wetlands, in order to construct the, "Southpark Woods subdivision" on an approximately 71 acre parcel. The proposed project is located on South Park Avenue, north of Big Tree Road, in the Town of Hamburg, Erie County, New York.

The project consists of the following:

a. Approximately 2.01 acres of federally jurisdictional wetlands will be filled with the construction of the proposed subdivision on an approximately 71 acre parcel. The majority of the wetland impacts will result from road, utility, building lot, and a stormwater detention facility construction. The project design avoids approximately 6.88 acres of wetland which will remain undisturbed. The wetlands on the project site consist of scrub/shrub wetlands associated with drainageways of Rush Creek. All the wetland impacts will occur within the mixed shrub/wooded wetland areas.

b. As mitigation for unavoidable impacts to wetlands on the project site, the applicant proposes the construction of approximately 3 acres of shallow, wet-meadow/emergent marsh in the northeast corner of the project parcel.

The stated purpose of the project is to construct the, "Southpark Woods" subdivision.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Joseph W. Krawczyk, who can be contacted by calling (716) 879-4186, or by e-mail at: joseph.w.krawczyk@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Joseph W. Krawczyk, or by e-mail at: joseph.w.krawczyk@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

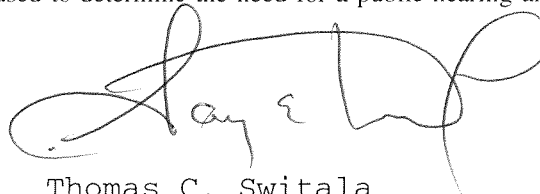
Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the

preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.


fa Thomas C. Switala
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

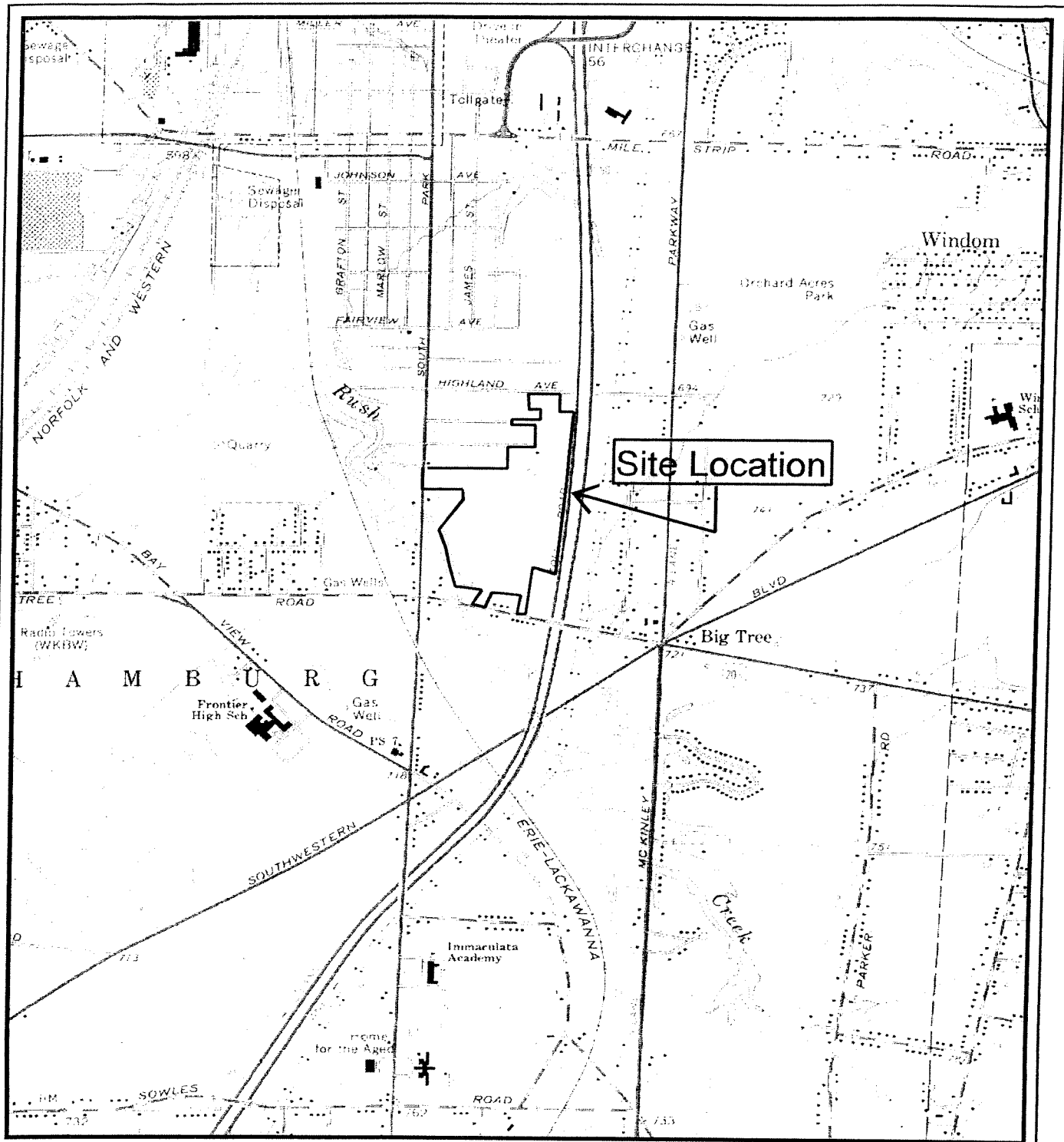


Figure 1.
USGS Quadrangle Map

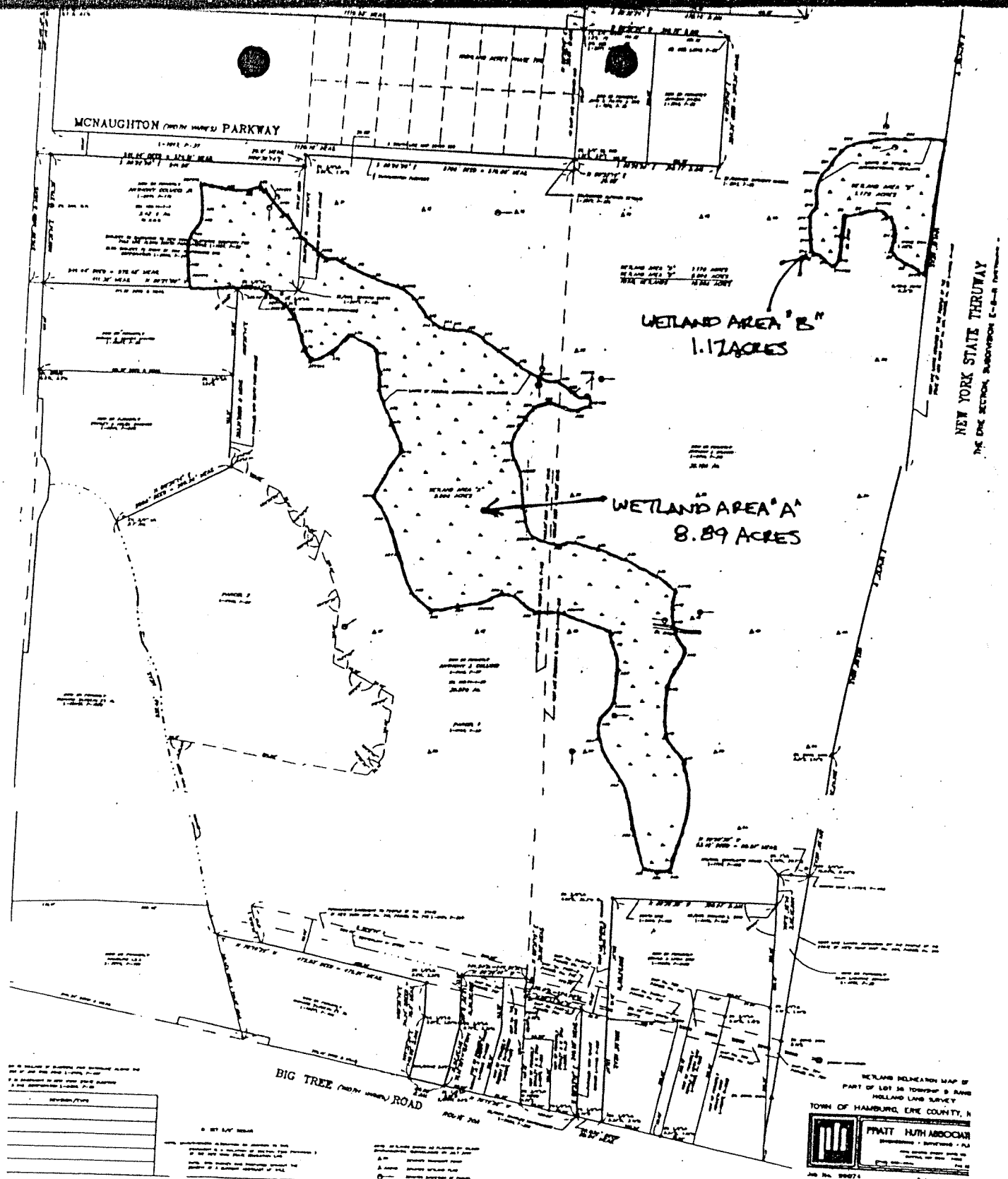
Buffalo SE, NY Quadrangle
Scale 1:24000



Marrano/Marc Equity Corp.
Southpark Woods Subdivision
Project Location

Town of Hamburg
Erie County, New York

MARRANO/MARC EQUITY CORPORATION
D/A Processing No. 2002-00014(1)
Erie County, New York Quad: BUFFALO SE
Sheet 1 of 6



August 30, 2001

August 1, 2001

MARRANO/MARC EQUITY CORPORATION
D/A Processing No. 2002-00014(1)
Erie County, New York Quad: BUFFALO SE
Sheet 2 of 6

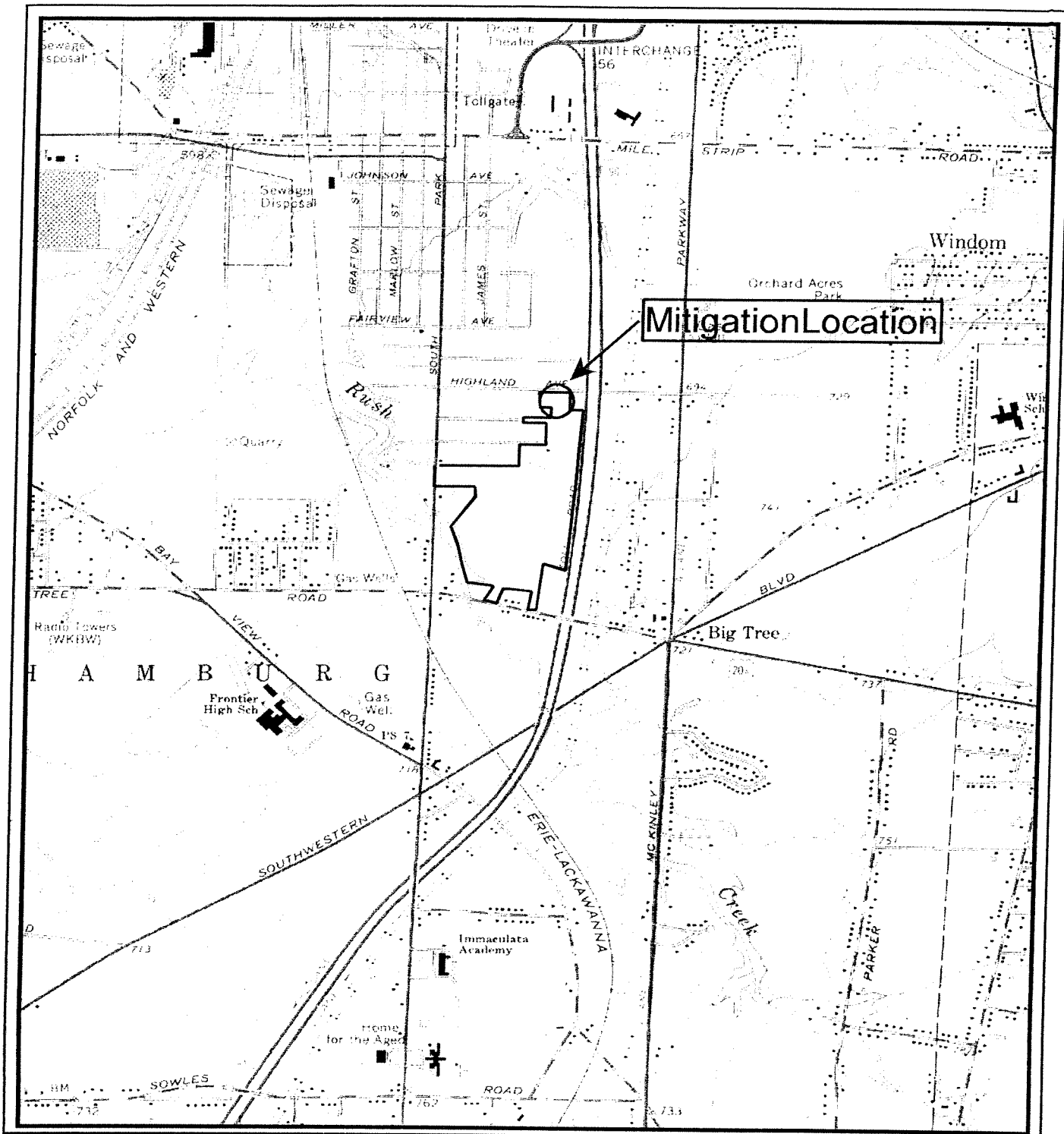


Figure 2.
USGS Quadrangle Map

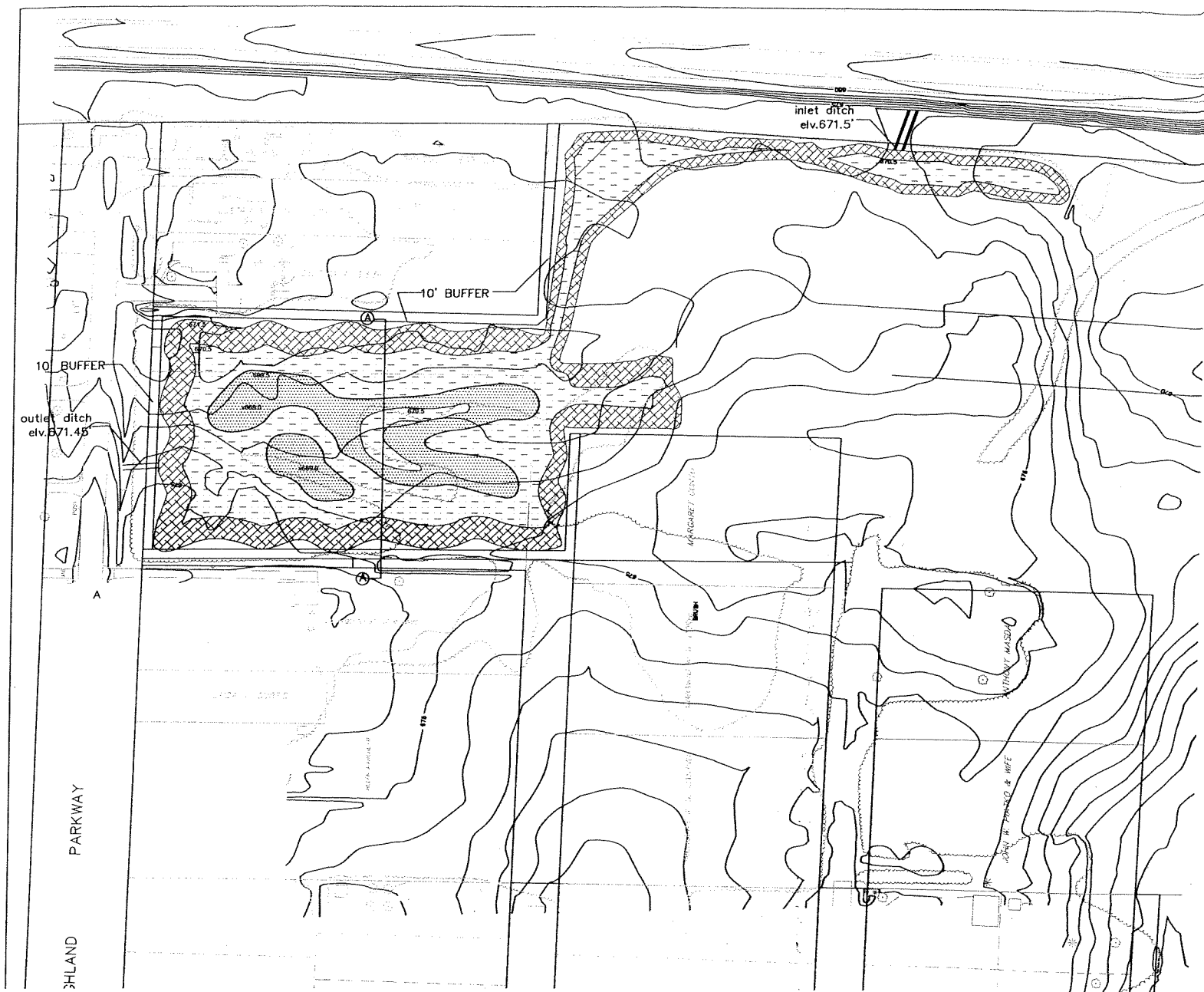
Buffalo SE, NY Quadrangle
Scale 1:24000



Marrano/Marc Equity Corp.
Southpark Woods Subdivision
Mitigation Location

Town of Hamburg
Erie County, New York

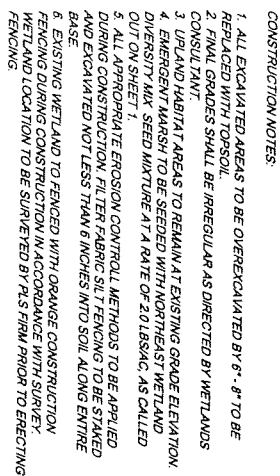
MARRANO/MARC EQUITY CORPORATION
D/A Processing No. 2002-00014(1)
Erie County, New York Quad: BUFFALO SE
Sheet 4 of 6



PROPOSED 3 ACRE WETLAND MITIGATION AREA

MARRANO/MARC EQUITY CORPORATION
D/A Processing No. 2002-00014(1)
Erie County, New York Quad: BUFFALO SE
Sheet 5 of 6

MARRANO/MARC EQUITY CORPORATION
D/A Processing No. 2002-00014(1)
Erie County, New York Quad: BUFFALO SE
Sheet 6 of 6

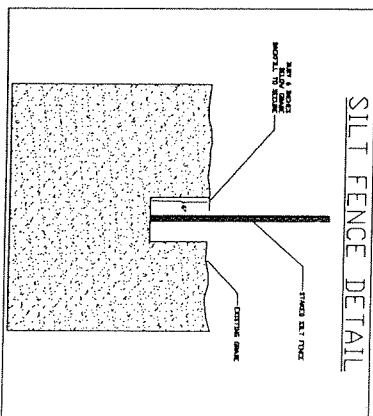


LEGEND

WET MEADOW AREA = 1.04± ACRE

EMERGENT MARSH 1.44± ACRES

SUBEMERGENT MARSH 0.50± ACRES



CROSS SECTION
SCALE AS SHOWN

*SOUTHPARK WOODS SUBDIVISION
WETLANDS MITIGATION PLAN*

MARRANO MARC/EQUITY CORP.
TOWN OF HAMBURG, NY



Job No. 316.009.01	July, 2003	SHEET 2 OF 2
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Job No. 316.009.01

July, 2003

SHEET 2 OF 2